

EXHIBIT 10

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October 26, 2005

VIA FACSIMILE

James J. Duffy, Esquire
DAVIS POLK & WARDWELL
450 Lexington Avenue
New York, NY 10017

Re: *In Re: Pharmaceutical Industry Average Wholesale Price Litigation*; MDL No. 1456;
International Union of Operating Engineers, Local No. 68 Welfare Fund v.
AstraZeneca Pharmaceuticals, L.P., et al.; C.A. No.: 04-11503-PBS

Dear Mr. Duffy:

In response to your inquiry during our telephone conversation yesterday, please be advised that Local 68 does not intend to produce a privilege log in connection with the Responses and Objections of Plaintiff, International Union of Operating Engineers, Local No. 68 Welfare Fund, to Defendant, AstraZeneca's First Request for Production of Documents.

The documents requested are not relevant and the requests are not anticipated to lead to the discovery of admissible evidence pursuant to Rule 408 of the Federal Rules of Evidence. Further, the documents requested are privileged and require that defendants make a heightened, independent showing of collusion before such matters may be discovered. *See, e.g., In re Lupron® Marketing and Sales Practices Litig.*, Civ.A.01-10861-RGS, MDL No. 1430, 2005 WL 613492 (D. Mass. Mar. 16, 2005); *Smith v. Sprint Communications Company, L.P.*, No. 99-C-3844, 2003 WL 715748 (N.D. Ill. Feb. 27, 2003). Defendants have failed to lay any foundation by presenting evidence from other sources regarding collusion in connection with any settlement negotiations.

Very truly yours,



TERRIANNE BENEDETTO

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